

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the FUTURE Act (Public Law 116-91).

### TITLE III—LABOR PROVISIONS

#### SEC. 4601. LIMITATION ON PAID LEAVE.

Section 110(b)(2)(B) of the Family and Medical Leave Act of 1993 (as added by the Emergency Family and Medical Leave Expansion Act) is amended by striking clause (ii) and inserting the following:

“(ii) LIMITATION.—An employer shall not be required to pay more than \$200 per day and \$10,000 in the aggregate for each employee for paid leave under this section.”.

#### SEC. 4602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.

Section 5102 of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by adding at the end the following:

“(f) LIMITATIONS.—

“(1) IN GENERAL.—An employer shall not be required to pay more than either—

“(A) \$511 per day and \$5,110 in the aggregate for each employee, when the employee is taking leave for a reason described in paragraph (1), (2), or (3) of section 5102(a); or

“(B) \$200 per day and \$2,000 in the aggregate for each employee, when the employee is taking leave for a reason described in paragraph (4), (5), or (6) of section 5102(a).”.

“(2) EXPIRATION OF REQUIREMENT.—An employer's requirement to provide paid leave with respect to a specific employee shall expire at the earlier of—

“(A) the time when the employer has paid that employee for paid leave under this section for an equivalent of 80 hours of work; or

“(B) upon the employee's return to work after taking paid leave under this section.”.

#### SEC. 4603. REGULATORY AUTHORITIES UNDER THE EMERGENCY PAID SICK LEAVE ACT.

Section 5111(2) of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by striking “section 5102(a)(5)” and inserting “paragraphs (4) and (5) of section 5102(a)(5)”.

#### SEC. 4604. UNEMPLOYMENT INSURANCE.

Section 903(h)(2)(B) of the Social Security Act (42 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the Emergency Unemployment Insurance Stabilization and Access Act of 2020, is amended to read as follows:

“(B) The State ensures that applications for unemployment compensation, and assistance with the application process, are accessible in person, by phone, or online.”.

#### SEC. 4605. OMB WAIVER OF PAID FAMILY AND PAID SICK LEAVE.

(a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 110(a) of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division C of the Families First Coronavirus Response Act) is amended by adding at the end the following new paragraph:

“(4) The Director of the Office of Management and Budget shall have the authority to exclude for good cause from the requirements under subsection (b) certain employers of the United States Government with respect to certain categories of Executive Branch employees.”.

(b) EMERGENCY PAID SICK LEAVE ACT.—The Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by adding at the end the following new section:

#### “SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.

“The Director of the Office of Management and Budget shall have the authority to exclude for good cause from the definition of employee under section 5110(1) certain em-

ployees described in subparagraphs (E) and (F) of such section, including by exempting certain United States Government employees covered by section 5110(2)(A)(i)(V) from the requirements of this title with respect to certain categories of Executive Branch employees.”.

#### SEC. 4606. PAID LEAVE FOR REHIRED EMPLOYEES.

Section 110(a)(1)(A) of the Family and Medical Leave Act of 1993, as added by section 3102 of the Emergency Family and Medical Leave Expansion Act, is amended to read as follows:

“(A) ELIGIBLE EMPLOYEE.—

“(i) IN GENERAL.—In lieu of the definition in sections 101(2)(A) and 101(2)(B)(ii), the term ‘eligible employee’ means an employee who has been employed for at least 30 calendar days by the employer with respect to whom leave is requested under section 102(a)(1)(F).

“(ii) RULE REGARDING REHIRED EMPLOYEES.—For purposes of clause (i), the term ‘employed for at least 30 calendar days’, used with respect to an employee and an employer described in clause (i), includes an employee who was laid off by that employer not earlier than March 1, 2020, had worked for the employer for not less than 30 of the last 60 calendar days prior to the employee's layoff, and was rehired by the employer.”.

#### SEC. 4607. ADVANCE REFUNDING OF CREDITS.

(a) PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.—Section 7001 of division G of the Families First Coronavirus Response Act is amended by inserting after subsection (g) the following new subsection:

“(h) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary's delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 3111(a) or 3221(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.”.

(b) CREDIT FOR SICK LEAVE FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.—Section 7002 of division G of the Families First Coronavirus Response Act is amended by inserting after subsection (g) the following new subsection:

“(h) ADVANCING CREDIT.—The Secretary of the Treasury (or the Secretary's delegate) shall issue such forms and instructions as are necessary—

“(1) to allow the advance payment of the credit under subsection (a), subject to the limitations provided in this section, based on such information as the Secretary shall require, and

“(2) to provide for the reconciliation of such advance payment with the amount advanced at the time of filing the return of tax for the taxable year.”.

(c) PAYROLL CREDIT FOR REQUIRED PAID FAMILY LEAVE.—Section 7003 of division G of the Families First Coronavirus Response Act is amended by inserting after subsection (g) the following new subsection:

“(h) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary's delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 3111(a) or 3221(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.”.

(d) CREDIT FOR FAMILY LEAVE FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.—Section 7004 of division G of the Families First Coronavirus Response Act is amended by inserting after subsection (e) the following new subsection:

“(f) ADVANCING CREDIT.—The Secretary of the Treasury (or the Secretary's delegate) shall issue such forms and instructions as are necessary—

“(1) to allow the advance payment of the credit under subsection (a), subject to the limitations provided in this section, based on such information as the Secretary shall require, and

“(2) to provide for the reconciliation of such advance payment with the amount advanced at the time of filing the return of tax for the taxable year.”.

### DIVISION E—TEMPORARY PERMIT USE TO GUARANTEE MONEY MARKET MUTUAL FUNDS

#### SEC. 5001. NON-APPLICABILITY OF RESTRICTIONS ON ESF DURING NATIONAL EMERGENCY.

Section 131 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5236) shall not apply during the national emergency concerning the novel coronavirus disease (COVID-19) outbreak declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

### DIVISION F—BUDGETARY PROVISIONS

#### SEC. 6001. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided under this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 548—AMENDING THE STANDING RULES OF THE SENATE TO ENABLE THE PARTICIPATION OF ABSENT SENATORS DURING A NATIONAL CRISIS

Mr. PORTMAN (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 548

*Resolved, That*

#### SECTION 1. PARTICIPATION OF ABSENT SENATORS DURING A NATIONAL CRISIS.

Rule XII of the Standing Rules of the Senate is amended by adding at the end the following:

“5. Senators may use technology that has been approved by the Secretary of the Senate and Sergeant at Arms and Director of the Doorkeepers as reliable and secure to cast their votes from outside of the Senate Chamber if the Majority Leader or his or her designee and the Minority Leader or his or her designee determine that an extraordinary crisis of national extent exists in which it would be infeasible for Senators to cast their votes in person. Senators in such circumstance may then cast votes under this paragraph only during the 30-day period beginning on the date on which such determination is made unless such period is renewed by an affirmative vote of three-fifths of the Senators duly chosen and sworn. During such period, Senators participating remotely and using approved technology to cast their votes under this paragraph shall be deemed present for quorum purposes. The determination made under this paragraph shall not rely on any decision of any other branch of the United States Government. The Majority Leader or his or her designee and the Minority Leader or his or her designee shall submit at the beginning of the first session of each Congress an order for

designees of each caucus in the case of such a crisis.”.

#### ORDERS FOR FRIDAY, MARCH 20, 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Friday, March 20; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator BRAUN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

#### SENATE LEGISLATIVE AGENDA

Mr. BRAUN. Mr. President, first of all, I would like to thank you for sparing me not having to be in the seat indefinitely, and I promise I will keep this short.

What a day we have come through. Senator CRAMER and I have been here a little bit over a year, and I can't imagine in a little over a year being more filled with making this responsibility as a U.S. Senator worth every effort it took to get here. It finds us in an interesting place.

I am from Main Street America. I spent 37 years building my own company, a company that three of my four kids—along with a great, young executive team—run now, and here we are. We are confronted with coronavirus.

Now, in a sequence of H1N1, SARS, MERS, even a threat from Ebola, this looks like it is the one that we have heard about for a long time that could really test the mettle of our country while we are going through it.

We have listened to the experts, and I think that idea of hitting this as hard as we can makes sense. You hear about flattening the curve. Yes, we need to do that. In the process, everything we are doing has now been thrown in front of probably the strongest economy that you could ever imagine. Look how frail it can be when something comes along that you don't understand and that you fear.

Over the next 2 to 3 days, we are going to be wrestling with something that probably is going to be as tough as anything we have confronted as a country. I thought, at first, well, we would get through this, especially if it wasn't going to be a real tough thing to get rid of. That is not the case. This is going to take everything we have. What we are doing this weekend ought to be based upon the commonality that all of us believe we should take care of the hard-working individuals who have been displaced by this and small businesses. We have that nucleus to start from.

Of course, it begs the question: What do you do about other parts of the economy? Well, my feeling is what we do tomorrow is not going to be the last thing we do to make sure we take this on with a full head of steam.

I am getting input from middle America, from my home State, from people whom I really trust their judgment. They are saying, yes, we want to make sure we do everything and throw the kitchen sink at it. We want to make sure that we protect the most vulnerable—the people who have a pre-existing condition, mostly elderly—impacted in the State of Washington and other places.

I am increasingly asked the question: Do we want to keep plowing forward, regardless of what the results are? If the economy is starting to show what it is showing, which has so much fear and anxiety built into it, how long can

we put up with it? What we are going to do this weekend is the first major effort at restoring confidence in the economy.

I am sure we will come back again soon because, like I said earlier, it is not the end of it. At some point, we need to carefully measure the progress we are making against the cause of it in the first place and make sure that that is working the way we intended it to work, which is to make sure that we take care of the most vulnerable and protect them from the ravages of the coronavirus.

So 10 days, 2 weeks down the road, I think we are going to be at a pivotal point. We are going to see if the early effort has worked. We all pray that it does. We are going to see what our efforts are going to yield and generate here this weekend, and then I want to make sure that, at that pivot point, when we need to look at this again, do we keep doing what we are doing, or do we do what seems to make sense, maybe make some adjustments, maybe focus on a different approach that does not systematically take the patient down: a healthy economy. I think we all want to accomplish the same thing. We are going to start this weekend.

Please, both sides of the aisle, don't quibble and don't bicker about some of the details because this is urgent. The American public expects us to do something. Then, here in another 10 days to 2 weeks, we need to look at it again and make sure we make the right decisions that really are in the long-term interest of tamping down the coronavirus and not killing a very healthy patient—our economy—that now looks like it is hurting.

Thank you.

I yield the floor.

#### ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until noon tomorrow.

Thereupon, the Senate, at 6:10 p.m., adjourned until Friday, March 20, 2020, at 12 noon.